REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claim 1 is currently being amended in accordance with the Examiner's recommendations and Claim 12 is being amended to provide proper antecedent basis. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, Claims 1-5, 7-12, 15-23, 32 and 33 are now pending in this application.

I. Claim Rejections under 35 U.S.C. § 112

On page 2 of the Office Action dated August 6, 2008, Claim 1 was rejected under 35 U.S.C. § 112, second paragraph, for failing to particularly point out and distinctly claim the subject matter regarded as the invention. Specifically, the Examiner stated that in line 4 of Claim 1 the phase "the trainable transmitter" should be "the trainable transceiver system" in order to have proper antecedent basis.

Applicant has amended Claim 1 in accordance with the Examiner's recommendation. Applicant respectfully requests withdrawal of the rejection of Claim 1 under 35 U.S.C. § 112, second paragraph.

II. Claim Rejections under 35 U.S.C. § 103

On page 3 of the Office Action, Claims 1-5, 7-12, 15-23, 32 and 33 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,377,173 (Desai) in view of U.S. Publication No. 2002/0113686 (Shannon) and further in view of U.S. Publication No. 2001/0035811 (Dewan).

The Examiner stated that with respect to independent Claims 1, 12 and 23, that Desai discloses:

> a trainable transceiver system (see fig. 1) for providing an activation signal characteristic to a portable transmitter (via a key fob combination 37), the portable transmitter configured to store the activation signal characteristic and to completer a transmission based on the stored activation signal characteristic (via key/fob 37 receiving a wireless signal from the control 22 and storing the code of the garage door and later transmitting the code to activate the garage door; see col. 2, lines 44-64; also see fig. 1), the trainable transceiver system comprising: a transceiver configured to receive a characteristic of an activation signal from another device (via the control 22 fixed to a vehicle receiving the wireless signal from a control 30 of a garage door and learning the frequency and code from the received signal; see fig. 1; also see col. 2, lines 24-35). Desai further discloses that the control circuit 22 store the characteristic of the activation signal in a memory (via control circuit 22 storing the received frequency and code; see col. 2, lines 33-35). Desai further discloses that the control 22 retransmits the learned code to the key/fob 37 (see fig. 1; also see col. 2, lines 45-46; also see col. 3, lines 35-44). Desai discloses that the code communicated between the vehicle control 22 and key/fob 37 is encrypted (see col. 3, lines, 20-23). (Note: control 22 receive and transmit signal, hence comprising a transceiver).

However, the Examiner acknowledged that Desai does not disclose:

> the control circuit causes a LED to transmit the stored characteristic of the activation signal.

The Examiner stated that Shannon discloses:

> a transceiver 10 for transmitting and receiving the signals wherein the wireless communication between the transceiver 10 (portable transmitter) and the device 14 (vehicle controller) is performed optically, since the communication is performed optically the device 14 and transceiver 10 both has the ability of optical transmission and reception (see figs. 1-4; also see paragraph [0034]). Shannon discloses that a transceiver may include an optical or acoustical transducer such as light emitting diode or a

> speaker for transmitting a short distance wireless signal by optical or acoustical means (see [paragraph 0047], lines 12-16).

However, the Examiner acknowledged that Desai and Shannon do not disclose:

> the control circuit is configured to light the LED during a training process of the trainable transceiver system to visually communicate information to a user of the system.

The Examiner concluded that

> From the teaching of Shannon it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the trainable transceiver system of Desai to include an optical receiver in the portable transmitter and a LED to transmit the signal in the control circuit of the vehicle transmitter for the process of optical transmission as taught by Shannon since infra-red signal consumes less power in transmitting the signal and it does not have as many restrictions on the signal characteristics because it does not fall under the control of the Federal Communications Commission (see paragraph [0005], 17-21).
>
> ...
>
> From the teaching of Dewan it would have been obvious to one having ordinary skill in the art at the time the invention was made to use the LED to visually communicate information to a user of the system in order to confirm to the user that a certain action has been completed.

Applicant respectfully traverses the rejection.

Independent Claim 1 would not have been obvious in view of Desai, alone or in any proper combination with Shannon and Dewan under 35 U.S.C. § 103(a). Desai alone or in any proper combination with Shannon and Dewan does not disclose, teach or suggest a trainable transceiver system having, in combination with other elements, "a light emitting diode (LED) configured to transmit the characteristic of the activation signal via an optical transmission to the optical receiver of the portable transmitter" and "a control circuit configured ... to cause the LED to transmit the stored characteristic of the activation signal, wherein the control circuit is

configured to light the LED during a training process of the trainable transceiver system to visually communicate information to a user of the system" as recited in Claim 1.

Desai is directed to a vehicle key/fob for opening a garage door using an RF signal. (Desai at Abstract). As acknowledged by the Examiner, Desai does not disclose using any form of optical communication. Thus, Desai does not disclose, teach or suggest a trainable transceiver system having "a light emitting diode (LED) configured to transmit the characteristic of the activation signal via an optical transmission to the optical receiver of the portable transmitter" and "a control circuit configured ... to cause the LED to transmit the stored characteristic of the activation signal, wherein the control circuit is configured to light the LED during a training process of the trainable transceiver system to visually communicate information to a user of the system" as recited in Claim 1. Shannon does not remedy the deficiencies of Desai.

Shannon is directed to a portable transceiver that may be used as a vehicle remote control to remotely start a vehicle from short to long distances. (Shannon at paragraph [0039]). In another embodiment, the portable transceiver may be used to open a garage door. (Shannon at paragraph [0034]). Shannon briefly mentions that infra-red communication may be used in place of RF communication, however, Shannon further states that the preferred communication medium for devices, such as remote starters and garage door openers, is a radio frequency signal. (Shannon at paragraph [0034]). As acknowledged by the Examiner, Shannon does not disclose a transmitter system for communicating with the portable transmitter, wherein the system is configured to "visually communicate information to a user of the system" as recited in Claim 1. Furthermore, Shannon does not disclose, teach or suggest a system having an LED with the dual function of communicating characteristics of the activation signal to the optical receiver of the portable transmitter and visually communicating information to a user of the system. Dewan does not remedy the deficiencies of Shannon.

Dewan is directed to a portable transmitter, or key fob, that may be configured to learn more than one code in order to unlock more than one vehicle. (Dewan at Abstract and paragraphs [0015]-[0017]). The key fob uses an LED to indicate to the user that the training has

been successfully completed. (Dewan at paragraph [0023]). In the subject matter of Claim 1, the LED for visually communicating information to the user of the system is located on the trainable transceiver system and not the portable transceiver as is taught by Dewan. Furthermore, Dewan does not disclose, teach or suggest a system having an LED with the dual function of communicating characteristics of the activation signal to the optical receiver of the portable transmitter and visually communicating information to a user of the system.

To transform Desai, Shannon and Dewan into the subject matter of Claim 1 would require still further modification, and such modification is taught only by the Applicant's own disclosure. The suggestion to make the combination of Desai, Shannon and Dewan has been taken from the Applicant's own specification, which is improper.

Independent Claim 1, considered as a whole, would not have been obvious in view of Desai, Shannon and Dewan. The rejection of Claim 1 over Desai in view of Shannon and Dewan under 35 U.S.C. § 103(a) is improper. Therefore, Claim 1 is patentable over Desai in view of Shannon and Dewan.

Dependent Claims 2-5, 7-11 and 32-33, which depend from independent Claim 1, are also patentable for at least the same reasons as Claim 1.

Applicant respectfully submits that independent Claim 12 is patentable for at least essentially the same reasons as provided with respect to Claim 1. Dependent Claims 15-22, which depend from independent Claim 12, are also patentable for at least the same reasons as Claim 12.

Applicant respectfully submits that independent Claim 23 is patentable for at least essentially the same reasons as provided with respect to Claim 1.

Dependent Claim 32

On page 3 of the Office Action, Claim 32 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Desai in view of Shannon and further in view of Dewan.

Applicant respectfully traverses the rejection.

Claim 32 would not have been obvious in view of Desai, alone or in any proper combination with Shannon and Dewan under 35 U.S.C. § 103(a). Desai alone or in any proper combination with Shannon and Dewan does not disclose, teach or suggest, in combination with other elements, "control circuit is further configured to cause the transceiver to send the activation signal via a radio frequency (RF) signal in addition to causing the LED to transmit the stored characteristic of the activation signal" as recited in Claim 32.

There is no teaching or suggestion in Desai, Shannon and Dewan to send both an RF signal and optical signal to communicate activation information. Desai discusses using only RF signals (Desai at col. 2 lines 44-64), Shannon discusses using either RF signals or optical signals, but not both (Shannon at paragraph [0034]), and Dewan discloses using only RF signals (Dewan at paragraphs [0005] and [0019]).

To transform Desai, Shannon and Dewan into the subject matter of Claim 32 would require still further modification, and such modification is taught only by the Applicant's own disclosure. The suggestion to make the combination of Desai, Shannon and Dewan has been taken from the Applicant's own specification, which is improper.

Claim 32, considered as a whole, would not have been obvious in view of Desai, Shannon and Dewan. The rejection of Claim 32 over Desai in view of Shannon and Dewan under 35 U.S.C. § 103(a) is improper. Therefore, Claim 32 is patentable over Desai in view of Shannon and Dewan.

The Applicant respectfully requests withdrawal of the rejection of Claims 1-5, 7-12, 15-23, 32 and 33 under 35 U.S.C. § 103(a).

* * *

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by the credit card payment instructions in EFS-Web being incorrect or absent, resulting in a rejected or incorrect credit card transaction, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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